

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-186
	)	
	)	D E C I S I O N
GARY LEE WOODS,	)	
	)	
Defendant.	)	

On July 31, 2018, Defendant's suspended sentence for Theft (Common Scheme), a felony, was revoked. He was sentenced to the Department of Corrections for ten (10) years with five (5) years suspended. The sentence was ordered to run concurrently with Missoula County Cause No. DC-17-535. Defendant granted credit for time served for May 2, 2016; and July 5, 2018 – July 31, 2018.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21<sup>st</sup> day of February, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

SENTENCE REVIEW DIVISION

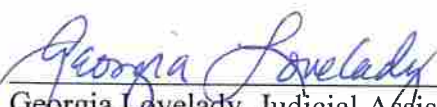
  
Hon. Brenda Gilbert, Chairperson

  
Hon. Dan Wilson, Member

  
Hon. Luke Berger, Member

Copies mailed this 25<sup>th</sup> day  
of March, 2019, to:

Clerk of District Court (Original)  
Gary Lee Woods #3020803, Defendant (2)  
Hon. James Reynolds  
Brent Getty, Defense Counsel  
Leo Gallagher, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division